

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey D. Messerly

Atty Dkt. Ref.: END-736

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Serial No.: 09/826,070

Group Art Unit: 3734

DEC 18 2006

Filed: April 4, 2001

Examiner: VY Q Bul

Title: BLADES WITH FUNCTIONAL BALANCE ASYMMETRIES FOR USE WITH  
ULTRASONIC SURGICAL INSTRUMENTSI hereby certify that this correspondence is being facsimile transmitted  
to the Patent and Trademark Office, Fax No. 571-273-8300 on

December 18, 2006

(Date)

Vern E. Kruger, Jr.

Name of person signing, applicant, assignor, or Registered Representative

(Signature)

December 18, 2006

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-145012/19/2006 HGE BREW1 00000090 100750 09026070  
02 FC:1814 130.00 DATERMINAL DISCLAIMER UNDER 37 CFR 1.321(b)

Dear Sir:

Your Petitioner, Ethicon Endo-Surgery, Inc., a corporation of the State of Ohio, having a registered office at 4545 Creek Road, Cincinnati, Ohio 45242, certifies that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the above-captioned patent application, which is a divisional of U.S. patent application serial no. 09/412,257, filed on October 5, 1999, now U.S. Patent No. 6,325,811 B1. Ethicon Endo-Surgery, Inc. is the owner of U.S. Patent Application Serial No. 09/826,070, as evidenced by the documents recorded in the United States Patent and Trademark Office at reel number 010306/0483.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

Your Petitioner, Ethicon Endo-Surgery, Inc. hereby disclaims, under the provisions of 35 USC 253, the terminal part of claims of any patent granted on application Serial No.

Terminal Disclaimer

Page 1 of 2

USSN: 10/354,255

09/826,070, which would extend beyond the expiration date of United States Patent Nos. 6,773,444 and 6,976,969 and hereby agrees that claims of any patent so granted on application Serial No. 09/826,070 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to United States Patent Nos. 6,773,444 and 6,976,969, this agreement to run with any patent granted on application Serial No. 09/826,070 and to be binding upon the grantee, its successors or assigns.

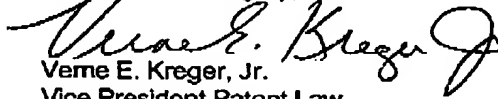
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Terminal Disclaimer fee of \$130.00 and any additional fees, which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/END-736US/VEK.

Signed at Cincinnati, Ohio this 18th day of December 2006.

Respectfully submitted,  
Ethicon Endo-Surgery, Inc.

  
Verne E. Kreger, Jr.  
Vice President Patent Law  
Ethicon Endo-Surgery, Inc.

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Date: December 18, 2006